



# Digital Economy Act 2017

## 2017 CHAPTER 30

### PART 5

#### DIGITAL GOVERNMENT

### CHAPTER 3

#### DEBT OWED TO THE PUBLIC SECTOR

#### **52 Code of practice**

- (1) The relevant Minister must issue a code of practice about—
  - (a) the disclosure of information under section 48, and
  - (b) the use of information disclosed under that section.
- (2) The code of practice must be consistent with the code of practice [<sup>F1</sup>prepared under section 121 of the Data Protection Act 2018 (data-sharing code) and issued under section 125(4) of that Act] (as altered or replaced from time to time).
- (3) A specified person must have regard to the code of practice in—
  - (a) disclosing information under section 48, and
  - (b) using information disclosed under that section.
- (4) The relevant Minister may from time to time revise and re-issue the code of practice.
- (5) Before issuing or reissuing the code of practice the relevant Minister must consult—
  - (a) the Information Commissioner,
  - (b) the Commissioners for Her Majesty's Revenue and Customs,
  - (c) the Scottish Ministers,
  - (d) the Welsh Ministers,
  - (e) the Department of Finance in Northern Ireland, and
  - (f) such other persons as the relevant Minister thinks appropriate.

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*Changes to legislation: There are currently no known outstanding effects for the Digital Economy Act 2017, Section 52. (See end of Document for details)*

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- (6) The fact that this section was not in force when consultation of the kind mentioned in subsection (5) took place is to be disregarded in determining whether there has been compliance with that subsection.
- (7) The relevant Minister may not issue the code of practice unless a draft of the code has been laid before, and approved by a resolution of, each House of Parliament.
- (8) Before reissuing the code the relevant Minister must lay a draft of the code as proposed to be reissued before Parliament.
- (9) The relevant Minister may not reissue the code if, within the 40-day period, either House of Parliament resolves not to approve it.
- (10) In subsection (9) “the 40 day period” means—
- (a) the period of 40 days beginning with the day on which the draft is laid before Parliament, or
  - (b) if the draft is not laid before each House on the same day, the period of 40 days beginning with the later of the days on which it is laid before Parliament.
- (11) For the purposes of subsection (10) no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (12) As soon as is reasonably practicable after issuing or reissuing the code of practice the relevant Minister must lay, or arrange for the laying of, a copy of it before—
- (a) the Scottish Parliament,
  - (b) the National Assembly for Wales, and
  - (c) the Northern Ireland Assembly.
- (13) In disclosing information under section 48, a person must have regard to the following codes of practice issued by the Information Commissioner under [F<sup>2</sup>section 128 of the Data Protection Act 2018 (other codes of practice)], so far as they apply to the information in question—
- (a) any code which makes provision about the identification and reduction of the risks to privacy of a proposal to disclose information;
  - (b) any code which makes provision about the information to be provided to data subjects (within the meaning of that Act) about the use to be made of information collected from them.
- (14) The duty in subsection (13) does not affect any other requirement for the person to have regard to a code of practice in disclosing the information.

#### **Textual Amendments**

- F1** Words in s. 52(2) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\), s. 212\(1\), Sch. 19 para. 219\(2\)](#) (with [ss. 117, 209, 210, Sch. 20 para. 48](#)); S.I. 2018/625, reg. 2(1)(g)
- F2** Words in s. 52(13) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\), s. 212\(1\), Sch. 19 para. 219\(3\)](#) (with [ss. 117, 209, 210, Sch. 20 para. 48](#)); S.I. 2018/625, reg. 2(1)(g)

#### **Commencement Information**

- I1** S. 52 in force at 1.10.2017 for E.W.S. by [S.I. 2017/765, reg. 3\(h\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Digital Economy Act 2017, Section 52.